

103D CONGRESS
1ST SESSION

H. R. 510

To protect indigenous peoples throughout the world.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 21, 1993

Mr. GILMAN introduced the following bill; which was referred to the
Committee on Foreign Affairs

A BILL

To protect indigenous peoples throughout the world.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Indige-
5 nous Peoples Protection Act of 1993”.

6 **SEC. 2. FINDINGS.**

7 (a) DETERIORATING SITUATION FACING INDIGE-
8 NOUS AND TRIBAL PEOPLES.—The Congress makes the
9 following findings:

10 (1) The situation of indigenous and tribal peo-
11 ples in developing countries is deteriorating world-
12 wide.

1 (2) Many of these populations face severe dis-
2 crimination, denial of human rights, loss of cultural
3 and religious freedoms, or in the worst cases, cul-
4 tural or physical destruction.

5 (3) If current trends in many parts of the world
6 continue the cultural, social, and linguistic diversity
7 of humankind will be radically and irrevocably di-
8 minished.

9 (4) In addition, immense, undocumented reposi-
10 tories of ecological, biological, and pharmacological
11 knowledge will be lost, as well as an immeasurable
12 wealth of cultural, social, religious, and artistic ex-
13 pression, which together constitute part of the collec-
14 tive patrimony of the human species.

15 (5) The pressures on indigenous and tribal peo-
16 ples, about 10 percent of the world's population, in-
17 clude denial of political and civil rights and of oppor-
18 tunities for self-determination, destruction of natural
19 resources necessary for survival, and ethnic, racial,
20 and economic marginalization.

21 (6) In many cases, unsound development policy
22 that results in destruction of natural resources seri-
23 ously jeopardizes indigenous and tribal peoples'
24 physical survival and their cultural autonomy, fre-

1 quently also undermining the possibility for long-
2 term sustainable economic development.

3 (7) The loss of the cultural diversity for indige-
4 nous and tribal peoples is not an inevitable or natu-
5 ral process.

6 (8) In light of United States concern and re-
7 spect for human rights and basic human freedoms,
8 including rights to express cultural and religious
9 preferences, as well as the United States desire for
10 sustainable economic development, it is incumbent
11 on the United States to take a leadership role in ad-
12 dressing indigenous and tribal peoples' rights to
13 physical and cultural survival.

14 (b) DEFINITION OF INDIGENOUS AND TRIBAL PEO-
15 PLES.—Indigenous and tribal peoples in developing coun-
16 tries are those populations that are ethnically, culturally,
17 or socially distinct from the politically dominant society
18 on the regional or national level. These peoples are often
19 (but not invariably) minorities, and invariably have little,
20 if any, political representation or influence in govern-
21 ments. Many such peoples are marginally integrated into
22 market economies and practice traditional, partially or
23 wholly subsistence-based forms of economic activity. Ex-
24 amples of indigenous or tribal peoples include lowland
25 South American Indians, Basarwa of Botswana and Na-

1 mibia, Mayan Indians in Central America, and registered
2 tribes in India.

3 **SEC. 3. PROMOTING AND PROTECTING THE RIGHTS OF IN-**
4 **DIGENOUS AND TRIBAL PEOPLES.**

5 The Secretary of State and the Administrator of the
6 Agency for International Development shall ensure—

7 (1) that United States foreign policy and for-
8 eign assistance vigorously promote the rights of in-
9 digenous and tribal peoples throughout the world;
10 and

11 (2) that United States foreign assistance is not
12 provided for any project or program detrimental to
13 the rights of indigenous or tribal peoples or to their
14 livelihood.

15 The rights of indigenous and tribal peoples to be promoted
16 and protected pursuant to this section include the right
17 to maintain their cultural, religious, and other traditions,
18 customs, and institutions.

19 **SEC. 4. BASELINE REPORT ON INDIGENOUS AND TRIBAL**
20 **PEOPLES.**

21 (a) PURPOSE.—The purpose of this section and sec-
22 tion 5 is to help—

23 (1) guide future United States foreign assist-
24 ance and other actions that could affect indigenous
25 and tribal peoples, and

1 (2) permit United States actions that would as-
2 sist these peoples.

3 (b) PREPARATION OF REPORT.—The Administrator
4 of the Agency for International Development, in consulta-
5 tion with the Secretary of State, shall prepare a report
6 on indigenous and tribal peoples in developing countries.
7 This report shall include the following:

8 (1) A description of the economic, political, and
9 social situation of indigenous and tribal peoples.

10 (2) A discussion of the effects of United States
11 bilateral foreign assistance and United States-sup-
12 ported multilateral assistance on indigenous and
13 tribal peoples, including a description of those
14 projects and activities currently being funded by the
15 Agency for International Development—

16 (A) which have a positive impact on indige-
17 nous and tribal peoples, or

18 (B) which have a negative impact on indig-
19 enous and tribal peoples.

20 (3) A comprehensive strategy for regularly
21 monitoring and improving the situation of indige-
22 nous and tribal peoples, including—

23 (A) a description of the methodology and
24 the guidelines to be used in carrying out the
25 monitoring required by section 5, and

1 (B) a description of the specific actions
2 that the Agency for International Development
3 proposes to take to improve the situation of in-
4 digenous and tribal peoples.

5 (c) CONSULTATION WITH NGOs.—The Adminis-
6 trator shall consult with nongovernmental organizations
7 with experience in monitoring and reporting on indigenous
8 and tribal peoples, and with other interested persons,
9 throughout the preparation of the report required by sub-
10 section (b), but in particular—

11 (1) in determining the scope of that report; and

12 (2) in developing the methodology to be used in
13 preparing that report.

14 (d) SUBMISSION TO CONGRESS.—Not later than 6
15 months after the date of enactment of this Act, the Ad-
16 ministrator shall submit the report prepared pursuant to
17 subsection (b) to the Congress.

18 **SEC. 5. MONITORING REGARDING INDIGENOUS AND TRIB-**
19 **AL PEOPLES.**

20 (a) MONITORING.—The Agency for International De-
21 velopment (in consultation with the Department of State),
22 on a regular basis, shall collect information concerning
23 and shall analyze the situation of indigenous and tribal
24 peoples in developing countries.

1 (b) USE OF NGOS.—In carrying out subsection (a),
2 the Agency shall, wherever appropriate, use nongovern-
3 mental organizations with experience in monitoring and
4 reporting on indigenous and tribal peoples.

5 (c) ANNUAL REPORTS TO CONGRESS.—Following
6 completion of the report required by section 4, the Admin-
7 istrator of the Agency for International Development shall
8 submit to the Congress, not later than February 1 each
9 year, a report which—

10 (1) presents the findings resulting from the
11 monitoring of indigenous and tribal peoples carried
12 out pursuant to subsection (a);

13 (2) updates the information provided in the re-
14 port submitted pursuant to section 4; and

15 (3) describes the activities which the Agency for
16 International Development proposes to fund for the
17 coming fiscal year to address the problems facing in-
18 digenous and tribal peoples in developing countries,
19 specifying which activities will be carried out by the
20 Agency and which will be carried out by nongovern-
21 mental organizations.

22 **SEC. 6. ANNUAL HUMAN RIGHTS REPORTS.**

23 In each report submitted to the Congress pursuant
24 to sections 116(d) and 502B(b) of the Foreign Assistance
25 Act of 1961, the Secretary of State shall include a descrip-

- 1 tion of each country's practices regarding the observation
- 2 of and respect for the internationally recognized human
- 3 rights of indigenous and tribal peoples in that country.

